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ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JAMAL ELHAJ-CHEHADE,
Plaintiff,

v.

EDUCATIONAL COMMISSION FOR
FOREIGN MEDICAL GRADUATES,
Defendant.

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CIVIL ACTION NO.

3:01-CV-01301-L

NORTHERN DISTRICT OF TEXAS
CLERK, U.S. DISTRICT COURT
By _____ Deputy

APP139

AFFIDAVIT OF MARK C. ROBERTS II

STATE OF TEXAS §
§
COUNTY OF DALLAS §

Before me, the undersigned authority, personally appeared Mark C. Roberts II, who being duly sworn by me, deposed and testified as follows:

"My name is Mark C. Roberts II. I am of sound mind and over the age of 21 years. I am capable of making this Affidavit. I have personal knowledge of all the facts stated in this affidavit and they are true and correct. I have been licensed to practice law in Texas since 1993 and the Northern District of Texas since 1994. I have also been admitted to practice in the Southern and Eastern Districts of Texas and before the Fifth Circuit Court of Appeals for the United States. I am counsel of record in the following suits:

1. "*Jamal Elhaj-Chehade v. ECFMG, et al*" Civil Action No. 3:99-CV0680-D in the United States District Court for the Northern District of Texas, Dallas Division which was filed in 1999 ("The Prior Suit").
2. "*Jamal Elhaj-Chehade v. Educational Commission for Foreign Medical Graduates*" No. 01-10147 in the United State Court of Appeals for the Fifth Circuit which was an appeal of the Prior Suit (hereinafter "the Appeal");
3. The above-style cause (the "Current Suit").

Among the duties my duties as counsel of record in these cases is to receive, review, and analyze all pleadings filed by Chehade; research applicable law; draft pleadings and briefs; confer and update ECFGM; and review and maintain billings for fees. I have read ECFGM's Motions for Sanctions and I'm familiar with its contents. Although other attorneys at the undersigned law firm of Henslee, Fowler, Hepworth & Schwartz, L.L.P. have worked on the various cases between Chehade and ECFMG, I have had the primary responsibility for handling the various cases since December of 2001.

Our firm averages hourly billing rates at approximately \$125/hour and that is the rate that I have been billing ECFGM on these cases. I am familiar with the general billing practices of law firms in the Dallas-Fort Worth Metroplex and the Federal District Court for the Northern District of Texas.

I have examined the pleadings of Chehade described in ECFMG's Motion. I have performed approximately twenty-five hours of work in analyzing those pleadings, researching applicable law, conferring with ECFMG, and responding to Chehade's pleadings. Such time does *not* include hours billed in preparing ECFMG's Motion for Summary Judgment, responding to Chehade's Motion for Summary, or completing tasks associated with matters or pleadings not described in ECFMG's Motions for Sanctions.

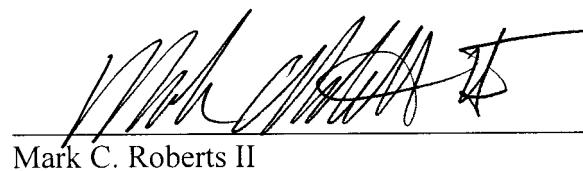
It is my opinion that \$3,125.00 (25 hours at \$125/hour) is a fair and reasonable amount to charge for necessary attorney fees in this case based upon the complexity of the case, the nature of Chehade's actions, and the typical charge for such services both in Dallas, Texas and the Northern District of Texas.

Attached hereto are true and correct copies of various pleadings and orders I maintain on behalf of ECFMG. I received these pleadings and orders in the regular course of my position as counsel of record.

1. The attached Exhibit "A" is a true and correct copy of the January 5, 2001 Memorandum Opinion and Order in the Prior Suit.
2. The attached Exhibit "B" is a true and correct copy of "Plaintiff's motion to add Judge Boyle as a co-defendant and transfer the case 3:99CV 680-D/BC and reopen it and consolidate the proceeding" filed by Chehade's in the Current Suit.
3. The attached Exhibit "C" is a true and correct copy of November 30, 2001 Order in the Current Suit.
4. The attached Exhibit "D" is a true and correct copy of a December 12, 2001 order dismissing Chehade's Appeal as being frivolous.
5. The attached Exhibit "E" is a true and correct copy of "Plaintiff's motion to vacate the unconstitutional and illegal court order/judgment" in the Prior Suit.
6. The attached Exhibit "F" is a true and correct copy of "Plaintiff's motion to appoint a counsel" in the Current Suit.
7. The attached Exhibit "G" is a true and correct copy of "Plaintiff's motion to leave for relief from final order/judgment/and motion to reopen this case" in the Prior Suit.
8. The attached Exhibit "H" is a true and correct copy of "Plaintiff's second motion for an emergency hearing to appoint a counsel" in the Current Suit.
9. The attached Exhibit "I" is a true and correct copy of "Plaintiff's notice of appeal before a district judge, Plaintiff's motion to transfer and consolidate, Plaintiff's motion to leave for relief from final order/judgment/and motion to reopen this case" in the Prior Suit.
10. The attached Exhibit "J" is a true and correct copy of an April 29, 2002 Order in the Current Suit.
11. The attached Exhibit "K" is a true and correct copy of "Plaintiff's response to the court order dated April 29, 2002 And the plaintiff countermotion for an emergency assessment of the plaintiff's needs and accommodations" in the Current Suit.

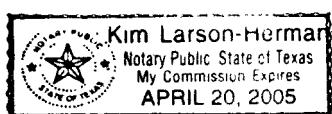
12. The attached Exhibit "L" is a true and correct copy of "Plaintiff's motion for an emergency hearing in the courtroom for the assessment of the plaintiff's need as a pro-se..." in the Current Suit.
13. The attached Exhibit "M" is a true and correct copy of a May 22, 2002 Order in the Current Suit.
14. The attached Exhibit "N" is a true and correct copy of "Plaintiff's motion for an emergency (injunctive relief and compliance.)" in the Current Suit.
15. The attached Exhibit "O" is a true and correct copy of "Plaintiff's notice of appeal... and motion for summary judgment" in the Current Suit.
16. The attached Exhibit "P" is a true and correct copy of a May 30, 2002 Order in the Prior suit.
17. The attached Exhibit "Q" is a true and correct copy of "Plaintiff's notice of appeal before a USDC judge of all orders/opinions/judgment, rendered by a Magistrate judges..." in the Current Suit.
18. The attached Exhibit "R" is a true and correct copy of "Plaintiff's motion to leave to proceed in forma pauperis (to be ruled upon by a USDC) [and] Plaintiff's response to the USDC order dated May 30, 2002 with the plaintiff's notice of appeal." in the Prior Suit.
19. The attached Exhibit "S" is a true and correct copy of a June 4, 2002 Order in the Prior Suit.
20. The attached Exhibit "T" is a true and correct copy of "Plaintiff's response to the defendants motion for summary judgment..." in the Current Suit.

Further affiant sayeth not."



Mark C. Roberts II

SUBSCRIBED and SWORN to before me this 18th day of June 2002, to which certify my hand and seal.



Kim Larson-Herman
Notary Public in and for the State of Texas
My Commission Expires: 9/20/05